

REMARKS/ARGUMENTS

1.) Claim Rejections – 35 U.S.C. §103(a)

The Examiner rejected claims 22-42 as being unpatentable over Itakura (US 6,439,832) in view of Backlund, *et al.* (US 2004/0011868). The Applicants traverse the rejections.

In rejecting claims 22, 30 and 36, which contain analogous limitations, the Examiner first acknowledges the failure of Itakura to teach a "delay [signal] generator for generating a delay [signal] in response to delay [information] received from [a] first node." Noting this failure of Itakura, the Examiner states that a "routineer . . . would have been motivated to look for a teaching for a possible method of adjusting transmission based on received delay information." The Examiner, however, points to no motivation or suggestion to "look for [such] teaching."

To overcome the deficiencies of Itakura, the Examiner looks to the teachings of Backlund, which the Examiner states teaches "the method of delaying transmission based on received delay information." The Examiner, however, acknowledges that Itakura and Backlund "do not teach a method of adjusting the timing of the payload data." The Examiner states that a "routineer . . . would have been motivated to look for a teaching for the possible method of the data being adjusted based on the delay is [sic] payload data." Again, however, the Examiner points to no motivation or suggestion to "look for [such] teaching."

Next, to overcome the combined deficiencies of Itakura and Backlund, the Examiner looks to the teachings of Partanen, which the Examiner states teaches "a method of adjusting the timing of data based on delay; wherein the data is payload data," and that "[i]t would have been obvious to one of ordinary skill in the art to combine the teachings of Itakura, Backlund, and Partanen. The Examiner, however, provides no support for the conclusory statement of obviousness. As stated in MPEP §706.02(j):

The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed

invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985).

* * *

It is important for an examiner to properly communicate the basis for a rejection so that the issues can be identified early and the applicant can be given fair opportunity to reply. (emphasis added)

Whereas the Examiner has not provided any reasoning as to why one of ordinary skill in the art would have considered combining the teachings of the three references, much less have found the claimed invention obvious in view thereof, the Examiner has failed to establish a *prima facie* case of obviousness. Therefore, the Examiner has not established that claims 22, 30 and 36 are obvious in view of Itakura, Backlund, and Partanen. Furthermore, whereas claims 23-29, 31-35 and 37-42 are dependent from claims 22, 30 and 36, respectively, and include the limitations thereof, the Examiner has also not established that they are obvious over the combination of Itakura, Backlund, and Partanen.

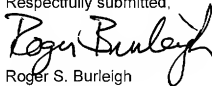
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CONCLUSION

In view of the foregoing remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for all claims 22-42.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Roger Burleigh", with a stylized flourish at the end.

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